

TITLE 14. Fish and Game Commission
Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 240, 1050, 1055, and 7380 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 206, 240, 713, 1050, 1055, 7380, 7381, and 7382 of said Code, proposes to amend subsection (b) of Section 1.74, Title 14, California Code of Regulations, regarding mandatory return of steelhead report cards.

Informative Digest/Policy Statement Overview

Current regulations require steelhead anglers to have a Steelhead Trout Report-Restoration Card in their possession when fishing for steelhead in anadromous waters of the State. Anglers are required to record with a ball-point pen the month, day, catch area, number of steelhead caught and kept, and the number of steelhead caught and released. The report card is valid for a calendar year, and the angler is required to retain the card until April 30 of the following year. Prior to April 30 the Department selects a random sample of anglers to be contacted to provide catch and angling information.

Effective January 1, 2003, AB 2783 amended Section 7380 of the Fish and Game Code requiring cardholders to return the cards to the Department according to a schedule or date established by the Department. Using the authority of Section 7380, the Department is proposing to require steelhead report card holders to return cards to the Department no later than January 31 of the year following the cards' expiration. In addition, Section 7380 of the Fish and Game Code requires anglers to immediately record certain information on the report card when finished fishing for the day, moving to another river or stream, or retaining a steelhead trout. Current regulations do not require the recording action to be immediate. The Department is proposing that this requirement be added to Subsection 1.74(b), Title 14, CCR.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Board of Supervisors' Chambers, Administration Building, 2800 W. Burrell, Visalia, California, on Friday, April 4, 2003 at 8:30 a.m., or as soon thereafter as the matter may be heard

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Riverside Marriott, 3400 Market Street, Riverside, California, on Thursday, May 8, 2003 at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before May 2, 2003 at the address given below, or by fax at (916) 653-5040, or by e-mail to

FGC@dfg.ca.gov, but must be received no later than May 8, 2003 at the hearing in Riverside, California. E-mail comments must include the true name and mailing address of the commentor.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Sherrie Koell at the preceding address or phone number. Ed Pert, Chief, Fisheries Programs Branch, Department of Fish and Game, phone (916) 445-3616, has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at http://www.dfg.ca.gov/fg_comm

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code.

Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed change requires individuals to return report cards to the Department instead of retaining them. Businesses will not be affected by this requirement.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.

- (c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal funding to the State: None.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.

- (f) Programs Mandated on Local Agencies or School Districts: None.

- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.

- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

Dated: February 25, 2003

John M. Duffy
Assistant Executive Director